

§ 52.2170

40 CFR Ch. I (7–1–08 Edition)

extent the Administrator's approval is partial or conditional or unless such approval is under §51.124(r) of this chapter.

[72 FR 62354, Nov. 2, 2007]

Subpart QQ—South Dakota

§ 52.2170 Identification of plan.

(a) *Purpose and scope.* This section sets forth the applicable State Implementation Plan for South Dakota under section 110 of the Clean Air Act, 42 U.S.C. 7410 and 40 CFR part 51 to meet national ambient air quality standards or other requirements under the Clean Air Act.

(b) *Incorporation by reference.* (1) Material listed in paragraphs (c) and (d) of this section with an EPA approval date prior to November 15, 2004 was approved for incorporation by reference by the Director of the Federal Register in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. Material is incorporated as submitted by the state to EPA, and notice of any change in the material will be published in the FEDERAL REGISTER. Entries for paragraphs (c) and (d) of this section with EPA approval dates after November 15, 2004, will be

incorporated by reference in the next update to the SIP compilation.

(2) EPA Region 8 certifies that the rules/regulations provided by EPA in the SIP compilation at the addresses in paragraph (b)(3) of this section are an exact duplicate of the officially promulgated state rules/regulations which have been approved as part of the State Implementation Plan as of November 15, 2004.

(3) Copies of the materials incorporated by reference may be inspected at the Environmental Protection Agency, Region 8, 999 18th Street, Suite 300, Denver, Colorado, 80202-2466; Air and Radiation Docket and Information Center, U.S. Environmental Protection Agency, Room B-108 (Mail Code 6102T), 1301 Constitution Ave., NW., Washington, DC 20460; and the National Archives and Records Administration (NARA). For information on the availability of this material at NARA, call (202) 741-6030, or go to: http://www.archives.gov/federal_register/code_of_federal_regulations/ibr_locations.html.

(c) *EPA approved regulations.*

(1) State of South Dakota Regulations

State citation	Title/subject	State effective date	EPA approval date and citation ¹	Explanations
74:36:01 Definitions				
74:36:01:01	Definitions 74:36:01:01(8)(e), (29), (30), (77)	6/13/2006	72 FR 57864; 10/11/2007.	
74:36:01:05	Applicable Requirements of the Clean Air Act Defined.	6/13/2006	72 FR 57864; 10/11/2007.	
74:36:01:20	Physical change or change in the method of operation.	6/13/2006	72 FR 57864; 10/11/2007.	
74:36:02 Ambient Air Quality				
74:36:02:02	Ambient air quality standards	6/13/2006	72 FR 57864; 10/11/2007.	
74:36:02:03	Methods of sampling and analysis	6/13/2006	72 FR 57864; 10/11/2007.	
74:36:02:04	Air quality monitoring network	6/13/2006	72 FR 57864; 10/11/2007.	
74:36:02:05	Ambient air monitoring requirements	6/13/2006	72 FR 57864; 10/11/2007.	
74:36:03 Air Quality Episodes				
74:36:03:01	Air pollution emergency episode	6/13/2006	72 FR 57864; 10/11/2007.	
74:36:03:02	Episode emergency contingency plan	6/13/2006	72 FR 57864; 10/11/2007.	

Environmental Protection Agency

§ 52.2170

State citation	Title/subject	State effective date	EPA approval date and citation ¹	Explanations
74:36:04 Operating Permits for Minor Sources				
74:36:04:04	Standard for issuance of operating permit	6/13/2006	72 FR 57864; 10/11/2007.	
74:36:06 Regulated Air Pollutant Emissions				
74:36:06:04	Particulate emission restrictions for incinerators and waste wood burners.	1/2/05	8/14/06, 71 FR 46403.	
74:36:06:06	Stack performance test	1/2/05	8/14/06, 71 FR 46403.	
74:36:07 New Source Performance Standards ²				
74:36:07:08	Ash Disposal requirements	12/29/96	5/22/00, 65 FR 32033.	
74:36:07:11	Additional permit requirements for asphalt plants (repealed).	4/4/99	5/22/00, 65 FR 32033.	
74:36:07:29	Operating requirements for wire reclamation furnaces.	4/22/93	9/6/95, 60 FR 46222.	
74:36:07:30	Monitoring requirements for wire reclamation furnaces.	4/22/93	9/6/95, 60 FR 46222.	
74:36:09 Prevention of Significant Deterioration				
74:36:09:01	Applicability	9/18/06	72 FR 72617.	
74:36:09:01.01	Prevention of significant deterioration permit required.	9/18/06	72 FR 72617.	
74:36:09:02	Prevention of significant deterioration	6/13/07	72 FR 72617.	
74:36:09:03	Public participation	9/18/06	72 FR 72617.	
74:36:10 New Source Review				
74:36:10:02	Definitions	1/2/05	8/14/06, 71 FR 46403.	
74:36:10:03.01	New source review preconstruction permit required.	1/2/05	8/14/06, 71 FR 46403.	
74:36:10:05	New source review preconstruction permit	1/2/05	8/14/06, 71 FR 46403.	
74:36:10:07	Determining credit for emission offsets	1/2/05	8/14/06, 71 FR 46403.	
74:36:10:08	Projected actual emissions	1/2/05	8/14/06, 71 FR 46403.	
74:36:10:09	Clean unit test for emission units subject to lowest achievable emission rate.	1/2/05	8/14/06, 71 FR 46403.	
74:36:10:10	Clean unit test for emission units comparable to lowest achievable emission rate.	1/2/05	8/14/06, 71 FR 46403.	
74:36:11 Performance Testing				
74:36:11:01	Stack performance testing or other testing methods.	6/13/2006	72 FR 57864; 10/11/2007.	
74:36:12 Control of Visible Emissions				
74:36:12:01	Restrictions on visible emissions	6/13/2006	72 FR 57864; 10/11/2007.	
74:36:12:03	Exceptions granted to alfalfa pelletizers or dehydrators.	6/13/2006	72 FR 57864; 10/11/2007.	
74:36:13 Continuous Emission Monitoring Systems				
74:36:13:02	Minimum performance specifications for all continuous emission monitoring systems.	6/13/2006	72 FR 57864; 10/11/2007.	
74:36:13:03	Reporting requirements	6/13/2006	72 FR 57864; 10/11/2007.	
74:36:13:04	Notice to department of exceedance	6/13/2006	72 FR 57864; 10/11/2007.	
74:36:13:06	Compliance certification	6/13/2006	72 FR 57864; 10/11/2007.	
74:36:13:07	Credible evidence	6/13/2006	72 FR 57864; 10/11/2007.	
74:36:13:08	Compliance Assurance Monitoring	6/13/2006	72 FR 57864; 10/11/2007.	

§ 52.2170

40 CFR Ch. I (7–1–08 Edition)

State citation	Title/subject	State effective date	EPA approval date and citation ¹	Explanations
74:36:13:07	Credible evidence	1/2/05	8/14/06, 71 FR 46403.	
74:36:17 Rapid City Street Sanding and Deicing				
74:36:17:01	Applicability	2/11/96	6/10/02, 67 FR 39619.	
74:36:17:02	Reasonable available control technology	2/11/96	6/10/02, 67 FR 39619.	
74:36:17:03	Street sanding specifications	2/11/96	6/10/02, 67 FR 39619.	
74:36:17:04	Street deicing and maintenance plan	2/11/96	6/10/02, 67 FR 39619.	
74:36:17:05	Street sanding and sweeping recordkeeping	2/11/96	6/10/02, 67 FR 39619.	
74:36:17:06	Inspection authority	2/11/96	6/10/02, 67 FR 39619.	
74:36:18 Regulations for State Facilities in the Rapid City Area				
74:36:18:01	Definitions	7/1/02	1/20/04, 69 FR 2671.	
74:36:18:02	Applicability	7/1/02	1/20/04, 69 FR 2671.	
74:36:18:03	Permit required	7/1/02	1/20/04, 69 FR 2671.	
74:36:18:04	Time period for permits and renewals	7/1/02	1/20/04, 69 FR 2671.	
74:36:18:05	Required contents of a complete application for a permit	7/1/02	1/20/04, 69 FR 2671.	
74:36:18:06	Contents of permit	7/1/02	1/20/04, 69 FR 2671.	
74:36:18:07	Permit expiration	7/1/02	1/20/04, 69 FR 2671.	
74:36:18:08	Renewal of permit	7/1/02	1/20/04, 69 FR 2671.	
74:36:18:09	Reasonably available control technology required	7/1/02	1/20/04, 69 FR 2671.	
74:36:18:10	Visible emission limit for construction and continuous operation activities	7/1/02	1/20/04, 69 FR 2671.	
74:36:18:11	Exception to visible emission limit	7/1/02	1/20/04, 69 FR 2671.	
74:36:18:12	Notice of operating noncompliance—Contents	7/1/02	1/20/04, 69 FR 2671.	

¹ In order to determine the EPA effective date for a specific provision that is listed in this table, consult the **Federal Register** cited in this column for that particular provision.

² The listed provisions are the only provisions of 74:36:07 included in the SIP.

(2) Pennington County Ordinance.

Ordinance citation	Title/subject	Adoption date	EPA approval date and citation ³	Explanations
Ordinance #12—Fugitive Dust Regulation—1.0 Control of Fugitive Dust				
1.1	Applicability	12/12/78	7/30/79, 44 FR 44494.	
1.2	Definitions	12/12/78	7/30/79, 44 FR 44494.	
1.3	Standard of Compliance	12/12/78	7/30/79, 44 FR 44494.	
1.4	Reasonably available control technology required	12/12/78	7/30/79, 44 FR 44494.	
1.5	Fugitive dust control permits required for construction activities, <i>i.e.</i> , temporary operations	12/12/78	7/30/79, 44 FR 44494.	
1.6	Compliance plans and schedules required, <i>i.e.</i> , continuous operations	12/12/78	7/30/79, 44 FR 44494.	

Environmental Protection Agency

§ 52.2170

Ordinance citation	Title/subject	Adoption date	EPA approval date and citation ³	Explanations
1.7	Enforcement procedures	12/12/78	7/30/79, 44 FR 44494.	
1.8	Establishment of administrative mechanisms	12/12/78	7/30/79, 44 FR 44494.	
1.9	Separability	12/12/78	7/30/79, 44 FR 44494.	

³In order to determine the EPA effective date for a specific provision that is listed in this table, consult the **Federal Register** cited in this column for that particular provision.

(d) EPA-approved source-specific requirements.

Name of source	Nature of requirement	State effective date	EPA approval date and citation ⁴	Explanations
South Dakota State University steam generating Plant.	Variance No. AQ 79-02	3/18/82	7/7/83, 48 FR 31199.	Variance expired on 3/18/85.

⁴In order to determine the EPA effective date for a specific provision that is listed in this table, consult the **Federal Register** cited in this column for that particular provision.

(e) EPA-approved nonregulatory provisions.

Name of nonregulatory SIP provision	Applicable geographic or non-attainment area	State submittal date/ adopted date	EPA approval date and citation ⁵	Explanations
I. South Dakota's Air Pollution Control Implementation Plan. Contains the following sections: A. Introduction B. Legal Authority C. Control Strategy D. Compliance Schedule E. Prevention of Air Pollution Emergency Episodes F. Air Quality Surveillance G. Review of New Sources and Modifications H. Source Surveillance I. Resources J. Intergovernmental Cooperation	Statewide	Submitted: 1/27/72 and 5/2/72 Adopted: 1/17/72.	5/31/72, 37 FR 10842 with correction and clarification on 7/27/72, 37 FR 15080.	
II. Part D Plan for Total Suspended Particulate.	Rapid City	Submitted: 12/27/78 Adopted: 12/78.	7/30/79 44 FR 44494.	
III. SIP to meet Air Quality Monitoring 40 CFR part 58, subpart c, paragraph 58.20 and public notification required under section 127 of the Clean Air Act.	Statewide	Submitted: 1/21/80 ..	9/4/80, 45 FR 58528.	
IV. Lead SIP	Statewide	Submitted: 5/4/84	9/26/84, 49 FR 37752.	
V. Stack Height Demonstration Analysis ..	Statewide	Submitted: 8/20/96 and 12/3/86.	6/7/89, 54 FR 24334.	
VI. Commitment to revise stack height rules in response to NRDC v. Thomas, 838 F.2d 1224 (DC Cir. 1988).	Statewide	Submitted: 5/11/88 ..	9/2/88, 53 FR 34077.	
VII. PM10 Committal SIP	Statewide	Submitted: 7/12/88 ..	10/5/90, 55 FR 4083.1	
VIII. Small Business Assistance Program	Statewide	Submitted: 11/10/92 and 4/1/94.	10/25/94, 59 FR 53589.	

§ 52.2171

40 CFR Ch. I (7–1–08 Edition)

Name of nonregulatory SIP provision	Applicable geographic or non-attainment area	State submittal date/adopted date	EPA approval date and citation ⁵	Explanations
IX. Commitment regarding permit exceedences of the PM ₁₀ standard in Rapid City.	Rapid City	Submitted: 7/19/95 ..	6/10/02, 67 FR 39619.	

⁵In order to determine the EPA effective date for a specific provision that is listed in this table, consult the **Federal Register** cited in this column for that particular provision.

[70 FR 11128, Mar. 8, 2005, as amended at 71 FR 46407, Aug. 14, 2006; 72 FR 57868, Oct. 11, 2007; 72 FR 72621, Dec. 21, 2007]

EFFECTIVE DATE NOTE: At 73 FR 26024, May 8, 2008, § 52.2170 was amended by adding entry “X” in numerical order, effective July 7, 2008. For the convenience of the user, the added text is set forth as follows:

§ 52.2170 Identification of plan.

* * * * *

(e) *EPA-approved nonregulatory provisions.*

Name of nonregulatory SIP provision	Applicable geographic or non-attainment area	State submittal date/Adopted date	EPA approval date and citation	Explanations
* * X. Interstate Transport. South Dakota Interstate Transport Report satisfying the requirement of Section 110(a)(2)(D)(i) of the CAA for the 1997 8-hour ozone and PM _{2.5} standards.	Statewide	* Submitted: 5/15/07 Adopted: 4/19/07	* 5/08/08, 73 FR 26019.	*

§ 52.2171 Classification of regions.

The South Dakota plan evaluated on the basis of the following classifications:

Air quality control region	Pollutant				
	Particulate matter	Sulfur oxides	Nitrogen dioxide	Carbon monoxide	Photochemical oxidants (hydrocarbons)
Metropolitan Sioux City Interstate	III	III	III	III	III
Metropolitan Sioux Falls Interstate	II	III	III	III	III
Black Hills—Rapid City Intrastate	III	III	III	III	III
South Dakota Intrastate	III	III	III	III	III

[37 FR 10893, May 31, 1972]

§ 52.2172 Approval status.

With the exceptions set forth in this subpart, the Administrator approves South Dakota’s plan as meeting the requirements of section 110 of the Clean Air Act, as amended in 1977. Furthermore, the Administrator finds that the plan satisfies all requirements of Part

D of the Clean Air Act, as amended in 1977.

[46 FR 54542, Nov. 3, 1981]

§ 52.2173 Legal authority.

(a) The requirements of § 51.230(f) of this chapter are not met since the South Dakota Compiled Law 34–16A–21 provides that data which relates to